

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

SIXTH ORDER OF CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance [72-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 5, 2006. Current defense counsel, who was retained by the defendant on or before April 21, 2006 after the defendant's court-appointed attorney was allowed to withdraw, requests additional time in which to review the defendant's file – including discovery materials received by defense counsel on or about May 15, 2006 – in order to better prepare for trial.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 5, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [72-1] is hereby **GRANTED**;

(2) Trial of this matter is continued until Monday, July 17, 2006 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from June 5, 2006 to July 17, 2006 is excluded as set out above;

(4) The deadline for filing pretrial motions is June 26, 2006; and

(5) The deadline for submitting a plea agreement is July 3, 2006.

SO ORDERED, this 23rd day of May, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE